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RECENT CASES.

Assault—What Constitutes.—*Ray v. State*, 21 S. W. Rep. 540 (Texas). Defendant and his brother, Rev. C. H. Ray, armed with two Winchesters, demanded of an editor a written retraction of an article reflecting upon the brother, and "it being somewhat slow in coming the defendant hastened proceedings by throwing a shell into his rifle. The retraction was signed." Held, that this was sufficient to constitute an assault.

Arbitrators—Disagreement—Method of Award.—*Luther v. Medbury*, 26 Atl. Rep. 37 (R. I.). Two arbitrators were unable to agree upon an award, but instead of choosing a third arbitrator, as provided by the submission, and in order to avoid the trouble of hearing the case a second time, they arrived at a decision by dividing by two the aggregate of the sums to which each thought the plaintiff entitled. The award was held to be void, on the ground that a similar method of reaching a conclusion has been held sufficient to vitiate the verdict of a jury. "The parties to a submission are entitled under it to the judgment of the arbitrators; and if the method pursued by them precludes the exercise of their judgment, the parties do not get that for which they have stipulated. Moreover, in the present case the submission provided that in case the arbitrators named in it were unable to agree, they should choose a third. They were, therefore, not at liberty to adopt any other mode of procedure."

Criminal Law—Interest of Witness—Credibility.—*Townsend v. State*, 12 Southern Reporter 209 (Miss.). In a very brief decision the court held that the defendant, being one of several witnesses in his own behalf, but being the only one interested in the result of the verdict, it was error for the trial court to single him out in the instructions by charging the jury that they might consider the interest of any witness in connection with all the evidence, in determining how far, if at all, they would believe him; the effect of this being to discredit the defendant in the minds of the jury.

Insurance—Appraisal of Loss—Disinterested Person—Misrepresentation by Defendant—Fraudulent Award.—*Bradshaw et al. v. Agricultural Insurance Co.*, 32 N. E. Rep. 1055 (N. Y.). An